

## **ENVIRONMENTAL REQUIREMENTS**

### **I. Administrative Conditions**

#### **A. Locality Shall:**

1. Meet with VDOT prior to selection of a consultant or the commitment of any resources to scope the project, discuss the environmental clearances necessary and the procedure for submitting these environmental clearances to VDOT in order to allow the project to proceed to construction.
2. Use qualified staff or consultant services to manage the environmental process.
3. Provide VDOT an opportunity to review and comment on qualifications of consultants to perform the environmental studies before a contract is executed, except as otherwise provided herein.
4. Provide VDOT an opportunity to review and comment on the environmental scope of work for the study before a contract is executed, except as otherwise provided herein.
5. Schedule meetings with VDOT at appropriate milestones in the study as identified during scoping to review study progress and adequacy, except as otherwise provided herein.
6. Provide all requests to VDOT for technical and coordination assistance from Locality and not from the Locality's consultant.
7. Refer to VDOT's website at **[www.virginiadot.org](http://www.virginiadot.org)** for environmental requirements for locally administered projects.

#### **B. VDOT Shall:**

1. Identify a VDOT representative for environmental decisions.
2. Review and comment to Locality on the suitability of consultants responsible for conducting environmental work, except as otherwise provided herein.
3. Review and comment to Locality on the environmental scope of work for the study, including the general level of effort allotted for the study if consultant services are used, except as otherwise provided herein.
4. Maintain a website at **[www.virginiadot.org](http://www.virginiadot.org)** containing environmental requirements for locally administered projects.

## **Environmental Requirements for PRELIMINARY ENGINEERING, RIGHT-OF-WAY, and CONSTRUCTION**

### **II. Preliminary Engineering Performed by Local Government**

#### **A. Locality Shall:**

1. Be responsible for including the project in the Long Range Plan and Transportation Improvement Program, as appropriate.
2. Submit to VDOT necessary information regarding the project scope to begin the State Environmental Review Process (SERP).
3. Implement all environmental commitments identified in the SERP Preliminary Environmental Inventory (PEI) pertaining to the development of the project.
4. Submit to VDOT an electronic copy of the National Environmental Policy Act (NEPA) concurrence form.

5. Prepare and submit to VDOT the NEPA document, following Federal Highway Administration (FHWA) direction and guidance:
  - a) Submit to VDOT an electronic preliminary review draft of the NEPA document.
  - b) Submit to VDOT copies of all technical study documents that support the NEPA document. Submit copies of all project-related correspondence, except as otherwise provided herein.
  - c) Submit to VDOT a proposed project-specific public involvement plan prior to public involvement activities. This plan shall demonstrate compliance with all items identified in The VDOT Location and Design Public Involvement Policy and Procedures Manual as required by environmental regulation. The public hearing notice shall include all appropriate references to environmental notifications such as NEPA document availability, compliance with the National Historic Preservation Act, and compliance with the Agricultural and Forestal District Act.
  - d) Submit to VDOT a copy of the public hearing transcript and responses to environmental comments with the review copy of the NEPA document.
  - e) Submit to VDOT the appropriate number of copies of the approved NEPA document as identified during project scoping.
6. Obtain an Antiquities Act permit from the Virginia Department of Historic Resources prior to conducting any archaeological investigations on State-controlled R/W.
7. Implement all NEPA commitments identified in the environmental document pertaining to the development of the project (as well as environmental commitments made related to any other law, regulation, or Executive Order).
8. Provide VDOT an opportunity to participate as a consulting party in any Memorandum of Agreement developed and executed in compliance with the National Historic Preservation Act.
9. Prepare any post-NEPA documentation required by scope changes that occur during the development of the project.
10. Design project in accordance with Virginia Erosion and Sediment Control law and regulations, Virginia Stormwater Management law and regulations, Chesapeake Bay Preservation Act.
11. Secure all necessary water quality permits in the Locality's name and implement permit conditions, including but not limited to compensatory mitigation, project water quality monitoring, time of year restrictions, wildlife crossings, etc.
12. Complete Water Quality Permits and Natural Resource Due Diligence Certification form (EQ-555) and submit to VDOT.
13. Perform Due Diligence assessment, to constitute the standard of All Appropriate Inquiry (Comprehensive Environmental Response Compensation and Liability Act CERCLA Section 101(35), as amended), to determine the actual/potential presence of hazardous materials/wastes/substances for all properties to be acquired and/or used as R/W prior to the initiation of property acquisition.
14. Perform Due Diligence and Due Care activities identified in Due Diligence Certification form (EQ-121) and submit to VDOT; locality shall not submit any scopes of work, reports or other documents related to Due Diligence or Due Care activities for VDOT review.
15. Not fail to perform Due Diligence and exert Due Care. Failure will result in the municipality assuming financial responsibility for any and all claims, demands, damages, losses, judgments, penalties, obligations, and liabilities (including without limitation, related reasonable legal and consulting fees and expenses) arising out of, or relating to, any pre-existing contamination to properties that constitute R/W for the project; and

release the Commonwealth from and against any and all claims for contribution under CERCLA, and/or any other environmental law or regulation.

16. Present noise findings to VDOT Noise Abatement Committee as appropriate.

**B. *VDOT* shall:**

1. Perform the administrative portion of the SERP and provide the SERP results to the Locality.
2. Receive NEPA Concurrence form from Locality and coordinate with the FHWA for approval of environmental document type.
3. Review and comment to Locality on the NEPA document prepared.
4. Indicate state acceptance of the NEPA document by adopting the document as a VDOT product and recommend FHWA approval of the environmental document.
5. Verify the projects compliance with the Department's public involvement procedures as outlined in *The VDOT Location and Design Public Involvement Policy and Procedures Manual* as it relates to the environmental process.
6. Receive copy of signed Water Quality Permits and Natural Resource Due Diligence Certification form (EQ-555) from Locality.
7. Receive copy of signed Hazardous Materials Due Diligence Certification form (EQ-121) from Locality.
8. Review Locality's noise findings through Noise Abatement Committee as appropriate.
9. Conduct a Right-of-Way re-evaluation (EQ-201) after design approval and prior to Right-of-Way purchase authorization from FHWA (only applies to projects utilizing federal-aid funds for Right-of-Way acquisition).

**III. Preliminary Engineering Performed by VDOT**

**A. *VDOT* Shall:**

1. Comply with all Environmental Division "Standard Operating Procedures."

**IV. Right of Way Acquired by Local Government**

**A. *Locality* Shall:**

1. Acquire R/W necessary to accommodate noise abatement, as per VDOT Noise Abatement Committee decision.

**V. Right of Way Acquired by VDOT**

**A. *VDOT* Shall:**

1. Acquire R/W necessary to accommodate noise abatement, as per VDOT Noise Abatement Committee decision.

**VI. Construction Administered by Local Government**

**A. *Locality* Shall:**

1. Implement all SERP and NEPA commitments pertaining to the construction of the project.
2. Implement all water quality permit conditions.
3. Implement construction in accordance with approved Erosion and Sediment Control and stormwater management plan.

4. Have on-site construction inspector with Virginia Department of Conservation and Recreation Erosion and Sediment Control inspector certification. Perform an Erosion and Sediment Control inspection every two weeks (minimum).
5. Make the necessary notifications to the Environmental Protection Agency (EPA) for any “improvements” made to sinkholes to facilitate storm water drainage.
6. Include in the contract documents and enforce all special provisions and specifications related to the environment.

**B. *VDOT* Shall:**

1. Complete the Environmental Certification Checklist (EQ-103) and the PS&E re-evaluation form (EQ-200) prior to approval for advertisement and construction. This must be complete before FHWA will authorize the plans, specifications, and estimates for construction.
2. Monitor the project in accordance with the Department’s Environmental Monitoring Standard Operating Procedures to ensure environmental commitments identified as a result of SERP and NEPA are implemented.

**VII. VDOT Acts as Locality’s Construction Contractor**

**A. *Locality* Shall:**

1. Inform VDOT of any environmental issues that may be encountered during construction and provide access to any study results to assist the contractor in developing and implementing the project in accordance with the regulatory permits and clearances.
2. Provide copies of water quality permits to VDOT.
3. Document VDOT as administering the project under Locality’s water quality permits.
4. Be responsible for compliance with all water quality permit conditions.
5. Develop and submit to VDOT for approval, construction specifications and special provisions for any environmental commitments required during construction.

**B. *VDOT* Shall:**

1. Complete the Environmental Certification Checklist (EQ-103) and the PS&E re-evaluation form (EQ-200) prior to approval for advertisement and construction. This must be complete before FHWA will authorize the plans, specifications, and estimates for construction.
2. Implement all SERP and NEPA commitments pertaining to the construction of the project.
3. Implement all water quality permit conditions pertaining to the construction of the project.
4. Implement construction in accordance with Locality’s approved Erosion and Sediment Control and stormwater management plan.
5. Have on-site construction inspector with Department of Conservation and Recreation Erosion and Sediment Control inspector certification. Perform an Erosion and Sediment Control inspection every two weeks (minimum).
6. Monitor the project in accordance with the Department’s Environmental Monitoring Standard Operating Procedures.